



GTE Spacenet  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

May 12, 1993

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: GTE Spacenet Corporation's Comments In the Matter of  
Amendment of Section 25.131 of the Commission's Rules and  
Regulations to Eliminate the Licensing Requirement for  
Certain International Receive-Only Earth Stations

CC Docket No. 93-23  
RM-7931

Dear Ms. Searcy:

GTE Spacenet Corporation ("GTE Spacenet") hereby submits an

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Before the  
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In the Matter of

Amendment of Section 25.131  
of the Commission's Rules and  
Regulations to Eliminate the  
Licensing Requirement for Certain  
International Receive-Only Earth  
Stations

CC Docket No. 93-23  
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**COMMENTS OF GTE SPACENET CORPORATION**

GTE Spacenet Corporation, ("GTE Spacenet") herein submits these Comments to the above-referenced Notice of Proposed Rulemaking ("NPRM") released by the Commission on March 8, 1993.

This NPRM is an outgrowth of the Communications Satellite Corporation's ("COMSAT's") petition to repeal licensing requirements of Section 25.131 (j)(1) of the Commission's Rules for receive-only earth stations operating with satellites of the International Telecommunications Satellite Corporation ("INTELSAT"). The NPRM proposes to extend the deregulation to eliminate the licensing requirement for most international receive-only earth stations in the fixed-satellite service (FSS)<sup>1</sup>

GTE Spacenet filed Comments to COMSAT's Petition, wherein it stated that the impact of a repeal of the licensing requirement would differ, depending on whether the service is international or transborder. Due to this difference, GTE Spacenet requested that a separate rulemaking proceeding be initiated in order to allow the satellite industry to more fully examine the implications of across-the-board deregulation. For the reasons discussed below, GTE Spacenet recommends that the Commission not repeal Section 25.131(j) in its entirety, but continue to require licensing of receive-only earth stations that receive transmissions from transborder locations, unless appropriate measures exist to ensure that transborder one-way services into the U.S. are deployed in a manner consistent with the Commission's established transborder policy.

<sup>1</sup> Receive-only earth stations that are operationally connected with a domestic common carrier system and used to exchange the carrier's common carrier traffic with INTELSAT are not included under the deregulation proposal.

The Commission Must Ensure that One-Way Broadcast Services into the U.S. from Canada and Mexico Are Deployed In A Manner Consistent With U.S. Transborder Policy

Under the proposed rules, broadcast services could be uplinked from a hub in Canada or Mexico and transmitted to multiple U.S. receive-only terminals using ANIK satellites or MORELOS satellites without any regulatory intervention whatsoever. U.S. customers can be approached for reception of these transborder broadcast services, and neither the Commission nor any U.S. domestic satellite carrier would be aware of the arrangement. For example, a hub station in Mexico could use a MORELOS satellite for broadcast service into the U.S. -- even if the signal is not an intra-Mexico service -- and no regulatory issues would need to be addressed in the U.S. GTE Spacenet suggests that the Commission consider whether U.S. operators could provide broadcast services directly to Mexican or Canadian customers without some form of regulatory intervention in those countries.

A repeal of Section 25.131(j)(3) would therefore remove any involvement of the FCC, and any opportunity for U.S. domestic satellite carriers to comment on a service which could perhaps more appropriately be provided through their own systems. Full deregulation, in effect, grants "carte blanche" to the ANIK and MORELOS satellite systems for the provision of one-way service within the U.S. GTE Spacenet submits that a repeal of the licensing requirement as it pertains to the use of ANIK or MORELOS would remove the only avenue that the FCC has to track the use of these satellites for broadcast services in the U.S.

GTE Spacenet further submits that these transborder service scenarios are different from broadcast services provided by international separate satellite systems, which are precluded by regulation from providing intra-U.S. services unless they are incidental to primarily international service networks. Moreover, U.S. domestic satellites generally do not have the technical capability to provide the services offered by international separate satellite systems without a "double-hop" requirement. The same is not true for many transborder service configurations.

GTE Spacenet recommends that, before the Commission repeals the section of the rules governing reception of signals from transborder countries, it must have in place a mechanism to ensure that the ANIK or MORELOS satellites are not used for services that could or should be provided over U.S. domestic satellites. GTE Spacenet further submits that the current requirement for submission of Carrier Operating Agreements with Canada prior to ANIK use is not appropriate for these situations, as many customers who would receive these signals may not be "carriers", or even licensees of communications facilities.

**Conclusion**

For the foregoing reasons, GTE Spacenet recommends that the Commission not repeal Section 25.131(j)(3) of the Rules, until such time as alternative mechanisms exist to ensure that U.S. transborder policies will be safeguarded.

Respectfully submitted,

GTE SPACENET CORPORATION



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